

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>: CRIMINAL NO. _____</b>
<b>v.</b>	<b>: DATE FILED: _____</b>
<b>JUAN ANTONIO GARCIA-VILLA, a/k/a "Tony," FRANCISCO PEGUERO, a/k/a "Flacco," WALFRI DELACRUZ, JUAN ALBERTO VASQUEZ-MENDOZA</b>	<b>: VIOLATIONS: 21 U.S.C. § 846 (Conspiracy to distribute cocaine base ("crack") - 1 count) 21 U.S.C. § 841(a)(1) (Distribution of cocaine base ("crack") - 4 counts) 21 U.S.C. § 841(a)(1) (Possession with intent to distribute cocaine base ("crack") - 1 count) 21 U.S.C. § 841(a)(1) (Distribution of heroin - 1 count) 21 U.S.C. § 841(a)(1) (Possession of cocaine - 1 count) 21 U.S.C. § 841(a)(1) (Possession of heroin - 1 count) 8 U.S.C. § 1326(a) (Illegal re-entry into the United States after deportation by an aggravated felon - 1 count) 21 U.S.C. § 853 (Notice of criminal forfeiture) 18 U.S.C. § 2 (Aiding &amp; abetting)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From in or about May 2003 through on or about September 2, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**JUAN ANTONIO GARCIA-VILLA,  
a/k/a “Tony,”  
FRANCISCO PEGUERO,  
a/k/a “Flacco,”  
WALFRI DELACRUZ, and  
JUAN ALBERTO VASQUEZ-MENDOZA**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute in excess of 50 grams of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

**MANNER AND MEANS**

2. It was part of the conspiracy that defendants JUAN ANTONIO GARCIA-VILLA, FRANCISCO PEGUERO, WALFRI DELACRUZ and JUAN ALBERTO VASQUEZ-MENDOZA were members of a drug organization which distributed cocaine base (hereafter referred to as “crack” and “crack cocaine”) in Reading, Pennsylvania on numerous occasions between in or about May 2003 and on or about September 2, 2003, and received various amounts of cash in payment for the crack cocaine.

It was further a part of the conspiracy that:

3. Defendant JUAN ANTONIO GARCIA-VILLA was a manager and supervisor of the drug organization. GARCIA-VILLA distributed crack cocaine and maintained a stash location at 215 South 4<sup>th</sup> Street, Apartment #4, in Reading, Pennsylvania, where he stored quantities of crack cocaine.

4. Defendants FRANCISCO PEGUERO, WALFRI DELACRUZ and JUAN ALBERTO VASQUEZ-MENDOZA worked for defendant JUAN ANTONIO GARCIA-VILLA as distributors of crack cocaine.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed by the defendants in the Eastern District of Pennsylvania:

1. On or about July 9, 2003, defendant JUAN ANTONIO GARCIA-VILLA told a confidential informant (“CI”) that GARCIA-VILLA was going to New York to pay someone \$1,500 for drugs which GARCIA-VILLA had received. GARCIA-VILLA told the CI that after he returned to Reading from New York, GARCIA-VILLA would distribute one ounce (approximately 28 grams) of crack cocaine to the CI.

2. On or about July 11 and 12, 2003, defendant JUAN ANTONIO GARCIA-VILLA discussed prices of cocaine, heroin, his drug customers, his drug suppliers and drug distribution with the CI , including that a person owed GARCIA-VILLA money for drugs which were seized on or about April 18, 2003 by the Reading Police Department pursuant to a search warrant for a residence located at 139 South 6<sup>th</sup> Street in Reading, Pennsylvania.

3. On or about July 20, 2003, defendant JUAN ANTONIO GARCIA-VILLA told the CI that GARCIA-VILLA was waiting for someone to deliver approximately 100 grams of cocaine, and that after receiving it, GARCIA-VILLA would bring it to another person to be “cooked” into crack cocaine. GARCIA-VILLA told the CI that he was going to New York on the evening of July 20, 2003, and that upon his return to Reading on July 22, 2003, GARCIA-VILLA would distribute approximately one ounce of crack cocaine to the CI.

4. On or about July 22, 2003, defendant JUAN ANTONIO GARCIA-VILLA met the CI in front of the apartment at 215 South 4<sup>th</sup> Street, in Reading, Pennsylvania, and distributed approximately one ounce of crack cocaine to the CI.

5. On or about July 31, 2003, defendant JUAN ANTONIO GARCIA-VILLA had several conversations with the CI about the distribution of crack cocaine. GARCIA-VILLA initially agreed to distribute another one ounce of crack cocaine to the CI, but then later stated that “his guys” would deliver two ounces of crack cocaine to the CI.

6. On or about July 31, 2003, defendant JUAN ANTONIO GARCIA-VILLA told the CI that he directed “his guys” to meet the CI at 215 South 4<sup>th</sup> Street in Reading. Shortly after this conversation with GARCIA-VILLA, defendants WALFRI DELACRUZ and FRANCISCO PEGUERO arrived at 215 South 4<sup>th</sup> Street and met the CI. DELACRUZ told the CI that DELACRUZ had given the crack cocaine to defendant JUAN ALBERTO VASQUEZ-MENDOZA to deliver to the CI. DELACRUZ used a cell phone to call VASQUEZ-MENDOZA, and told VASQUEZ-MENDOZA to bring the crack cocaine to 215 South 4<sup>th</sup> Street in Reading. DELACRUZ and PEGUERO entered the building at 215 South 4<sup>th</sup> Street, and then left the area. Shortly after DELACRUZ and PEGUERO left, VASQUEZ-MENDOZA arrived at 215 South 4<sup>th</sup> Street in Reading and distributed approximately two ounces of crack cocaine to the CI.

7. On or about August 6, 2003, defendant JUAN ALBERTO VASQUEZ-MENDOZA distributed approximately 10.8 grams of crack cocaine to an undercover Reading police officer for \$300 in downtown Reading, Pennsylvania.

8. On or about August 14, 2003, the CI told defendant JUAN ANTONIO GARCIA-VILLA that the CI had some money to pay GARCIA-VILLA for the crack cocaine which GARCIA-VILLA had previously distributed to the CI. GARCIA-VILLA told the CI to call his guy “Flacco,” later identified as defendant FRANCISCO PEGUERO, and to give

“Flacco” the money. The CI called PEGUERO, who stated that he was aware of GARCIA-VILLA’s instructions, and to meet him at 215 South 4<sup>th</sup> Street in Reading. The CI met PEGUERO at that location and paid him \$800 as half-payment for the two ounces of crack cocaine which GARCIA-VILLA supplied the CI on or about July 31, 2003.

9. On or about August 28, 2003, defendant JUAN ANTONIO GARCIA-VILLA had a conversation with the CI in which GARCIA-VILLA told the CI to pay the remaining \$800 to defendant FRANCISCO PEGUERO for the previous two ounces distributed, and that the CI could get another ounce of crack cocaine from PEGUERO.

10. On or about August 28, 2003, defendant FRANCISCO PEGUERO had a telephone conversation with the CI in which PEGUERO told the CI to meet him at the apartment at 215 South 4<sup>th</sup> Street in Reading, so that the CI could pay the money owed to defendant JUAN ANTONIO GARCIA VILLA, and obtain another one ounce of crack cocaine.

11. On or about August 28, 2003, defendant FRANCISCO PEGUERO met the CI at 215 South 4<sup>th</sup> Street in Reading and distributed approximately one ounce (net weight 27.8 grams) of crack cocaine to the CI. PEGUERO received \$800 in cash from the CI representing the balance due on the previously supplied two ounces of crack cocaine from defendant JUAN ANTONIO GARCIA-VILLA.

12. On or about September 2, 2003, defendants JUAN ANTONIO GARCIA-VILLA, WALFRI DELACRUZ and FRANCISCO PEGUERO possessed and controlled the following items inside 215 South 4<sup>th</sup> Street, Apartment # 4, in Reading, Pennsylvania: a) approximately 65.6 grams of heroin, b) approximately 46.1 grams of crack cocaine, c) approximately 51.9 grams of cocaine, and d) various items of drug paraphernalia.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 22, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**JUAN ANTONIO GARCIA-VILLA,  
a/k/a “Tony,”**

knowingly and intentionally distributed in excess of 5 grams, that is, approximately 27.7 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 31, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**JUAN ANTONIO GARCIA-VILLA,  
a/k/a “Tony,”  
FRANCISCO PEGUERO,  
a/k/a “Flacco,”  
WALFRI DELACRUZ, and  
JUAN ALBERTO VASQUEZ-MENDOZA**

knowingly and intentionally distributed, and aided and abetted the distribution of, in excess of 50 grams, that is, approximately 56 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.



**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 6, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**JUAN ALBERTO VASQUEZ-MENDOZA**

knowingly and intentionally distributed in excess of 5 grams, that is, approximately 10.8 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 28, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**JUAN ANTONIO GARCIA-VILLA,  
a/k/a “Tony,” and  
FRANCISCO PEGUERO,  
a/k/a “Flacco,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, in excess of 5 grams, that is, approximately 27.8 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 2, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**FRANCISCO PEGUERO,  
a/k/a “Flacco,” and  
WALFRI DELACRUZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(C) and Title 18, United States Code, Section 2.

**COUNT SEVEN**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 2, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**JUAN ANTONIO GARCIA-VILLA  
FRANCISCO PEGUERO,  
a/k/a “Flacco,” and  
WALFRI DELACRUZ**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, in excess of 5 grams, that is, approximately 46.1 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT EIGHT**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 2, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**JUAN ANTONIO GARCIA-VILLA  
FRANCISCO PEGUERO,  
a/k/a “Flacco,” and  
WALFRI DELACRUZ**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, approximately 51.9 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) and Title 18, United States Code, Section 2.

**COUNT NINE**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 2, 2003, at Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**JUAN ANTONIO GARCIA-VILLA  
FRANCISCO PEGUERO,  
a/k/a “Flacco,” and  
WALFRI DELACRUZ**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, approximately 65.6 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT TEN**

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**THE GRAND JURY FURTHER CHARGES THAT:**

\_\_\_\_\_ On or about September 2, 2003, at Reading, in the Eastern District of  
Pennsylvania, defendant

**JUAN ANTONIO GARCIA-VILLA,  
a/k/a “Tony,”**

an alien who had previously been deported from the United States on or about March 20, 2002,  
was found in the United States, having knowingly and unlawfully re-entered the United States  
without first applying to the Attorney General of the United States or his successor, the Secretary  
for Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557), for  
permission to reapply for admission, and without receiving in response the express consent of the  
Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2).

### **NOTICE OF PRIOR CONVICTION**

Defendant JUAN ANTONIO GARCIA-VILLA committed the offense charged in Count Ten of this Indictment after having been convicted of an aggravated felony, as that term is defined and used in Title 8, United States Code, Sections 1101(a)(43)(G) and 1326(b)(2), as follows:

On or about September 10, 1997, the defendant was convicted in the Supreme Court of the County and State of New York, of attempted criminal sale of a controlled substance in the third degree, in violation of the New York State penal Law, Section 110/220.39, Case No. 3457-97.



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**NOTICE OF CRIMINAL FORFEITURE**

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), as charged in this Indictment, defendants

**JUAN ANTONIO GARCIA-VILLA,  
a/k/a “Tony,”  
FRANCISCO PEGUERO,  
a/k/a “Flacco,”  
WALFRI DELACRUZ, and  
JUAN ALBERTO VASQUEZ-MENDOZA**

shall forfeit to the United States of America pursuant to Title 21, United States Code, Section 853, the following property:

(A) All property which defendants used in any manner or part to facilitate the commission of the violations of Title 21, United States Code as charged in this Indictment; and

(B) Any property, including but not limited to the sum of \$2,200 which constitutes and is derived from proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code as charged in this Indictment.

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendants:

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of said defendants.

All pursuant to Title 21, United States Code, Section 853.

***A TRUE BILL:***

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**